

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, SEPTEMBER 8, 1999.**

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris, Secretary
Patrick Natarelli

Also Present: Kevin J. Plunkett, Village Counsel
Richard Fon, Building Inspector
Florence Costello, Planning Board Clerk
Jan Blaire & Mary Beth Dooley, ECB Members
J&L Reporting Service, for Westwood Development Corp.
Members of the Public.

IPB Matters

Considered:

- 94-04 -- Westwood Development Associates**
Sht.10,P25J2,25K2,Sht.10C,Bl.226,Lots 25A,26A
- 98-12 -- Boran Construction**
Sht. 5, Bl. 212, Lot 4 & 5
- 98-44 -- Ciccio & Chernick**
Sht. 10C, Bl. 226, Lot 25
- 98-09 -- Spectrum Irvington Corp. (Amendment)**
Sht. 12B, Lot #41
- 98-19 -- Douglas & Cheryl Cohen (Amendment)**
Sht. 12B, Lot #13
- 99-23 -- Irvington Associates, Legend Hollow**
Sht. 12B, Lot(s) 25 & 31
- 99-31 -- Danfor Realty Co. (Fatato Subdivision)**
Sht. 13B, P5 P5C
- 99-33 -- Mackie & Martucci Subdivision**
Sht. 2, P-109P12
- 99-42 -- SAB Development Corp.**
Sht. 7, Lot 1
- 99-45 -- Robert Tardio**
Sht. 10D, Bl. 240, Lot 16
- 99-46 -- Ian Grabel**
Sht. 10A, Bl. 225, Lot 5,6,7B

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.
2. Letter received from Ruth L. Pierpont, New York State office of Historic Preservation Field Services Bureau, dated August 18, 1999, noting St. Barnabus Church will be considered by State Review Board for nomination to the National and State Registers of Historic Places.
3. **IPB Matter #99-43: Application of John Shapiro & Shonni Silverberg, Fargo Lane.** The Planning Board received a memo from Ralph Mastromonaco dated September 7, 1999, stating the applicant has satisfied the concerns of Memo dated August 4, 1999, however, it should be noted on the plan that the "Stone Retaining Walls" shown should be constructed pursuant to the detail submitted by Robert Silman Associates, PC. that shows a reinforced concrete wall with stone face.
4. The Chairman read aloud a letter from Robert Bauer, Superintendent of Public Works, addressed to Spectrum Group, Legend Hollow, dated August 30, 1999 regarding recently installed cobblestone curbing in the Hampden Lane cul-de-sac. A copy of the letter was given to Craig Studer to pass on to the Legend Hollow Management.
5. **IPB Matter #99-44: Application of Edward & Laura Midgley, 25 Matthiessen Park.** The Chairman read aloud a letter from Radoslav Opacic, Architect, dated August 23, 1999, addressing questions and concerns that were discussed with the Planning Board and neighbors at the August 4, 1999 meeting.

IPB Matter #98-09:

**Public Hearing on Application of Spectrum
Irvington Corp., for Amended Site Development
Plan Approval for Lot #41, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This application, previously heard at the March 4, 1998 Planning Board meeting, is for modification of the previously approved deck size. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #41) Legend Hollow, dated February 2, 1998, last revision August 23, 1999.

IPB Matter #98-19:

Public Hearing on Application of Douglas & Cheryl Cohen for Amended Site Development Plan Approval for Lot #13, Legend Hollow.

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. This application, previously heard at the April 1, 1998 Planning Board meeting is for the construction of three field stone retaining walls, not to exceed 5'6" each with a three foot fence. There was considerable discussion regarding construction outside the building envelope versus outside the limit of disturbance. There were no engineering concerns or comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan Cohen Residence, Lot 13 Legend Hollow, dated 8/18/99 revised 9/6/99, prepared by Kevin J. Kelly, Architect", with the limitation that no pool will be permitted on the plot and that this restriction must be stated on the site plan

IPB Matter #99-46:

Application of Ian & Gladys Grabel for Site Development Plan Approval for property at 72 North Broadway.

Thomas Haynes, Architect, appeared for the applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The proposed property development is for the renovation and reconstruction of a single family dwelling. The footprint of the existing building will be increased by 39.7 square feet, and a second floor is being added including the expanded coverage. The existing garage is to remain. Drawings "A-1, A-2, and A-3 prepared by Thomas E. Haynes, Architect, dated August 19, 1999" were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval, and as a Type II Action for SEQRA purposes. There were no comments from the Board's Consulting Engineer or the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan

Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #99-45:

**Application of Robert Tardio for Waiver of
Site Development Plan Approval for property
at 27 Cedarlawn Road.**

Mr. Donald LeBlanc of LeBlanc Brothers Carpentry, appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed design calls for the construction of a deck at the rear of the existing residence. Drawing "Proposed Deck for Mr. & Mrs. Tardio, prepared by Craig Studer, Landscape Architect, dated 5/12/99" was submitted. The Chairman noted receipt of a zoning variance granted at the July 20, 1999 meeting of the Zoning Board of Appeals. There was some discussion of drainage problems from last year. Mr. Smith, an abutting neighbor, was concerned with new setbacks, and the potential impact on his property. He was assured the Tardio variance was exclusive and did not impact his property. Mr. Mastromonaco's memo dated September 7, 1999 noted there were no engineering concerns.

The Chairman, with the Board's concurrence, stated that the application would be treated as Request for Waiver of Site Development Plan Approval. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees (2) that

in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Mr. Charles Pateman appeared for the Applicant. Applicant submitted plans: 1) Tract A and B Connection Plan prepared by Cronin Engineering, P.E., P.C. dated 8/20/99. This plan details a 5 ft. connection between Tracts A and B., and 2) Preliminary Landscape Plan of the High School parking area presented at the August meeting (to be revised) prepared by Stephen Lopez, ASLA with a letter dated May 24, 1999. Discussion of the buffer zone and wetlands ensued. Concerns over number of building sites was discussed. A letter from Kevin Lundeen and Elise Goldschlag, neighbors, dated September 3, 1999 regarding screening, was read into the stenographic minutes. There was discussion of tree location at the High School parking lot. Mr. Marra was assured by Mr. Pateman that a cross country trail would be included in the revised plan.

The Board then fixed September 21 at 8:00 p.m. as the time and date of a Special Meeting to consider making Findings under the Village's remedial legislation. Mrs. Costello was asked to coordinate with the Village Clerk and Village Counsel to determine the place of the Special Meeting and to arrange the publication of necessary notices.

A complete stenographic transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

IPB Matter #98-12:

Application of Boran Construction Corp., for Site Development Plan Approval for property at 76 Main Street.

Ken Nadler, Architect, appeared for the Applicant. He has revised his plan to give better traffic visibility at Ferris/Main street intersection. There was considerable discussion on traffic, garbage, lighting, fencing and parking spaces. All topics are repeats of prior meetings and no new information was forthcoming despite the lengthy discussion. Prior to the meeting,

Mr. Nadler met with the Police and no reduction in the Ferris Street sidewalk width was recommended. Mr. Nadler was advised that the Planning Board expected to be able to grant site development plan approval at its next meeting provided he submits a drawing showing fencing, lighting and other matters as discussed at this meeting. The matter was carried over to the October meeting.

IPB Matter #99-31:

**Application of Danfor Realty for Subdivision
of property (Fatato) at Harriman Road between
Shady Lane and Park Road.**

Paul J. Petretti, Civil Engineer and Land Surveyor, appeared for the Applicant. The Chairman advised that the Board was to determine site capacity only. Mr. Mastromonaco's memo dated September 7, 1999, advised a site capacity of at least eight lots. The builder feels the site will accommodate twelve, but eight is what they are seeking. During the public discussion, Michelle Fatato Danzer claimed she owns 30% of the corporation which owns the Linden Brewery property, and that she had no knowledge of the Application. The Board required the parties to review the ownership question and further consideration of the Application was held over to the next meeting, pending clarification of Ms. Danzer's objection.

IPB Matter #99-42:

**Application of SAB Development Corp., for
Site Development Plan Approval for property
at 58 Ardsley Avenue West.**

Mr. Andrew Saines appeared personally. This application, to relocate the driveway of a previously approved site plan, was carried over from the August 4, 1999, Planning Board meeting. The Chairman deferred to Peter Lilienfield on this subject. The Board can only consider the moving of the driveway, as other design elements such as the location of the garage, retaining wall, and other improvements are not subject to the Planning Board's jurisdiction under this application. There was considerable discussion by Mr. Rancic, abutting neighbor, who could not understand the Planning Board's lack of authority. The Chairman advised Mr. Rancic that although the Board's consensus was that the location of the foundation in place on the Applicant's lot was an affront to good site planning, the only issue over which the Planning Board had jurisdiction was whether to modify the previously approved plan to move the driveway from in front of the house to the cul de sac. The Applicant indicated that they had investigated the possibility of changing the foundation to allow for a redesign of the improvements, but that it would be cost prohibitive without monetary assistance; this was discussed with Mr. Rancic, who indicated that he would be unwilling to share such cost. The Members were unanimous that a driveway built in accordance with the original approved plan would result in a worse site plan than having the driveway moved per the application.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. After discussion, the Board took the following action. It approved drawing showing the northern driveway, " Proposed Residence for S.A.B. Development Corp., dated July 7, 1999, last revised August 6, 1999."

IPB Matter #99-33:

Application of Robert & Katherine Mackie and Katherine Martucci for Subdivision of property North of Bridge Street.

Norman Sheer, Esq., appeared for the Applicant. This application regarding subdivision for a two acre vacant parcel of land on the north side of Bridge Street, was carried over from the August 4, 1999 meeting. The Chairman read aloud a letter dated August 19, 1999, from Mr. Robert Bauer, Superintendent of Public Works regarding access and drainage, Mr. Mastromonaco's concerns were addressed (memo dated September 7, 1999), and additional surveys were to be submitted. There was much discussion on access, paper street, street dedication, access to utilities and road connections to other adjacent properties.

During public meeting, Evelyn Seidman, Esq. appeared for Mr. & Mrs. Rodgin Cohen and David Fiveson, Esq. appeared for Harry Jacobs, both of whom are neighboring property owners. Mr. Fiveson said that he was investigating whether or not the two lots owned by Mr. Jacobs are held in one name, which might effect a merger of the two lots into one, and said he would advise the Board of his findings before its next meeting. Ms. Seidman took the position that the easement over the Cohen property, which is the proposed access road to the property that is the subject of the subdivision application, is no longer valid. She was asked to submit a written statement explaining this position prior to the Board's next meeting. The matter was carried over to the October meeting.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Michell & Sheri Chernick for subdivision of property at Riverview Road.

The application was carried over to the October 6, 1999 meeting.

IPB Matter #99-23:

Application of Irvington Associates for property at Lot(s) 25 & 31, Legend Hollow.

The application was carried over to the October 6, 1999 meeting.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board was scheduled for October 6, 1999.
- A Special Meeting for Westwood Development Associates, Inc., was scheduled for September 21, 1999.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary

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